

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

BMT ENTERPRISES, INC.,

Plaintiff,

v.

ORDER

Civil File No. 10-4371 (MJD/FLN)

HARTFORD CASUALTY
INSURANCE COMPANY,

Defendant.

Francis J. Rondoni and Gary K. Luloff, Chestnut Cambronne, PA, Counsel for Plaintiff.

Robert E. Salmon and Tiffany M. Brown, Meagher & Geer, PLLP, Counsel for Defendant.

This matter is before the Court on Defendant's Letter Request to File a Motion for Reconsideration. [Docket No. 52] Defendant seeks to move for reconsideration of the Court's July 13, 2012 Order [Docket No. 50] denying cross motions for summary judgment.

The Local Rules provide that a motion to reconsider can only be filed with the Court's express permission, and such permission can only be obtained if the party shows "compelling circumstances." L.R. 7.1(j). The district court's

decision on a motion for reconsideration rests within its discretion. Hagerman v. Yukon Energy Corp., 839 F.2d 407, 413 (8th Cir. 1988).

Motions for reconsideration serve a limited function: to correct manifest errors of law or fact or to present newly discovered evidence. . . . Nor should a motion for reconsideration serve as the occasion to tender new legal theories for the first time.

Id. at 414 (citation omitted). The Court has thoroughly reviewed Defendant's letter request and concludes that the July 13, 2012 Order contains no manifest errors of law or fact. Nor has Defendant offered new evidence that would alter the Court's Order. Defendant has not shown compelling circumstances to support filing a motion to reconsider.

Accordingly, based upon the files, records, and proceedings herein, **IT IS**

HEREBY ORDERED:

Defendant's Letter Request to File a Motion for Reconsideration [Docket No. 52] is **DENIED**.

Dated: September 6, 2012

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court